

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE LANDRIAN,

Defendant.

ORDER

00-cr-102-bbc

11-cv-94-bbc

On September 26, 2001, defendant Jorge Landrian pleaded guilty to one count of felon in possession of a firearm. At sentencing the court determined that defendant was an armed career criminal under 18 U.S.C. § 924(e). Neither he nor the government objected to this determination. Defendant's guideline imprisonment range was 180-188 months. He was sentenced to a term of imprisonment of 188 months.

On November 8, 2010, defendant filed a motion to correct his criminal judgment, alleging that one of his predicate convictions from Washington County, Minnesota, should not have counted as a prior conviction for purposes of the Armed Career Criminal Act. In addition, defendant filed a petition for habeas corpus under 28 U.S.C. § 2241 in the United States District Court for the Eastern District of North Carolina. That petition has been

transferred to this court. On December 2, 2010, the court appointed counsel to represent defendant on both motions.

On February 9, 2011, the court received a letter from the government, confirming that the Washington County, Minnesota conviction should not have counted as a predicate offense for career offender purposes. Without the armed career criminal enhancement, defendant's sentencing guideline range should have been 130-162 months. The government has moved the court to modify defendant's term of imprisonment from 188 months to 120 months, a term that he has completed. The motion will be GRANTED.

ORDER

IT IS ORDERED that the term of imprisonment imposed on the defendant on September 26, 2001 is reduced from 188 months to 120 months.

Except as provided above, all the provisions of the judgment dated September 26, 2001 remain in effect.

Entered this 9th day of February, 2011.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge